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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,239	06/19/2003	Kevin T. Ivers	7340 US	6095
7590	05/11/2006		EXAMINER	
TEKTRONIX, INC. Francis I. Gray, MS 50-LAW P.O. Box 500 Beaverton, OR 97077			YENKE, BRIAN P	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/600,239	IVERS, KEVIN T.
	<b>Examiner</b>	<b>Art Unit</b>
	BRIAN P. YENKE	2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4-7,11-19,21-24 and 28-31 is/are rejected.
- 7) Claim(s) 3,8-10,20 and 25-27 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-14 and 28-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "persistence" in claims 1-14 and 28-31 is a relative term which renders the claim indefinite. The term "persistence" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The term persistence as defined in Websters, 10<sup>th</sup> edition is "the act or fact of persisting". The examiner requests the applicant to explain how the system provides "persistence" to the portion as recited in the claims.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 15-17 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility.

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Claims 15-17 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either an asserted utility or a well established utility.

The claims merely recite/describe a display, where no inventive steps/logic are recited. The claims are descriptive in nature, and the meets and bounds of the claims are unknown since a description of a display is recited. The claims as written do not provide any evidence of what the applicant invented.

Claim 15-17 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either an asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-6, 18-19 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Penney, US 4,707,727.

In considering claims 1 and 18,

a) *the claimed means for deriving...* is met by the system as shown in Fig 4, where the gamut error is output from the OR gate 16.

*b) the claimed means for generating...* is met by the system (Fig 4) which derives a gamut error (if present) and modifies the incoming video signals which includes the chrominance/luminance components of the signal which is then display via modifier 18/monitor 20.

In considering claims 2 and 19,

*a) the claimed means for generating...* is met by the system which generates a magnitude of the chrominance and luminance components (R-Y,B-Y and Y) via resistive matrix 10 which is compared with a maximum reference signal via comparators 14G,B,R as shown.

In considering claims 4-5 and 21-22

*a) the claimed means for converting...* is met by resistive matrix 10 which converts the Y,B-Y,R-Y signals into GBR form respectively.

*b) the claimed means for comparing...* is met by comparators 14G,B, R and 12G,B,R which compare the component signals with the ref max and min respectively.

In considering claims 6 and 23,

Given the broadest interpretation, Penney discloses capturing the video signal when the gamut error is present or not, meeting the claimed limitation.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Penney, US 4,707,727.

In considering claims 7 and 24,

Penney does not explicitly recite “time stamping”. The concept/practice of time stamping in the gamut correction field is used to log/account at what time the video signal encountered an error and thus allows the system to account and correct for this period based upon the time the error occurred, thus the examiner takes “OFFICIAL NOTICE” regarding the use of such for the advantages as noted above, since the inclusion of time stamping in Penney would have provided the same advantages.

***Allowable Subject Matter***

5. Claims 3, 8-10, 20 and 25-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure—see newly cited references on attached form PTO-892.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(571)-273-8300**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is

(703)305-HELP.

General information about patents, trademarks, products and services offered by the United States Patent and Trademark Office (USPTO), and other related information is available by contacting the USPTO's General Information Services Division at:

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(FAX) 703-305-7786

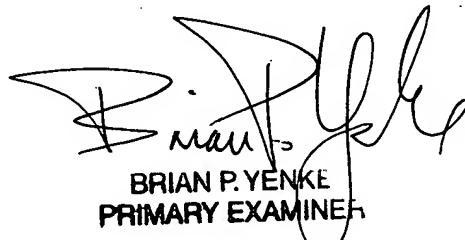
(TDD) 703-305-7785

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B.P.Y  
09 May 06

  
BRIAN P. YENKE  
PRIMARY EXAMINER